

Notice of Claim:

3/21/14 Josh Yapple, 6013 Corwin Drive, Newfane, NY
3/25/14 Christopher Farrell, 293 Market Street, Apt E, Lockport, NY
3/26/14 Tony Sperduti, 600 East Avenue, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS**040214.2**

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on April 4, 2014.

Seconded by Alderman Franco and adopted. Ayes 6.

040214.3

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman Schrader and adopted. Ayes 6.

040214.4

By Alderman Schrader:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Thomas O'Shea, a City of Lockport Fire Board Member who recently passed away.

Seconded by Alderman Kibler and adopted. Ayes 6.

040214.5

By Alderman Kibler:

WHEREAS, it is recommended that at least one member attending meetings of the Common Council be appointed as the Parliamentarian that is fluent in the Rules and available for interpretation during meetings. NOW THEREFORE, BE IT

RESOLVED, that the Rules and Orders of the Common Council be and are hereby amended as follows:

21. Robert's Rule of Order. Whenever any question not covered by these rules shall arise, this council shall be governed by the parliamentary rules as laid down in Robert's Rule of Order. The Corporation Counsel shall preside as the Parliamentarian at all meetings.

Seconded by Alderman Genewick and adopted. Ayes 6.

040214.6

By Alderman Kibler:

Resolved, that a public hearing be held at the Common Council Meeting of April 23, 2014 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to amending City Code 190-94 Zoning, Parking Restrictions, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Fogle and adopted. Ayes 6.

040214.7

By Alderman Fogle:

Resolved, that a public hearing be held at the Common Council Meeting of April 23, 2014 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Scott Schmidt, for approval for a Pet Memorial Center and Crematory to be located at 530 West Avenue, situated in a I-3 Zone, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Lombardi and adopted. Ayes 6.

040214.8

By Alderman Lombardi:

Resolved, that pursuant to their request, the Erie Canal Fishing Derby is hereby granted permission to erect a banner at least 17' from the ground across Lake Avenue at Olcott Street starting on June 3 through July 13, 2014, and a second banner on East Avenue at Davison Road to be erected June 3 through June 20, 2014 to promote the Erie Canal Fishing Derby which will be held from July 2 through July 13, 2014. Said permission is subject to the Erie Canal Fishing Derby filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the City Clerk is hereby authorized and directed to make arrangements with city forces to erect the banners.

Seconded by Alderman Franco and adopted. Ayes 6.

040214.9

By Alderman Fogle:

Resolved, that pursuant to their request, the American Legion Auxiliary is hereby granted permission to conduct a Walk-A-Thon to honor Veterans on Saturday, April 26, 2014 beginning at American Legion, 42 Niagara Street, at 9:00 AM. Said permission is subject to approval of the walk route by the Police Chief and the American Legion filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Engineering is hereby authorized and directed to make arrangements to deliver barricades prior to said date.

Seconded by Alderman Franco and adopted. Ayes 6.

040214.10

By Alderman Franco:

Resolved, that pursuant to their request, Sweet Rides Rentals be and the same is hereby given permission to use the City's right-of-way to conduct the following events for "Sweet Sweet Summer 2014":

May 24 – 26

Use of street at 51 Canal Street for an "Outdoor Geography Bee"

June 21 – 22 & August 23 - 24

Use of street at 51 Canal Street for "Quilting Bees"

August 16 – 17

Use of street at 51 Canal Street for "Sweet Chalk Festival"

May 26 – September 1

Use of City’s right of way to place painted rocking chairs throughout the City for a “Rock the Locks” event

And be it further

Resolved, that said permissions are subject to Sweet Ride Rentals filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Engineering is hereby authorized and directed to arrange for delivery of barricades to said locations prior to said events.

Seconded by Alderman Lombardi and adopted. Ayes 6.

040214.11

By Alderman Lombardi:

Resolved, that pursuant to their request, permission is hereby granted All Saints Parish to barricade Church Alley between Church and Lock Streets on Thursday, May 1, 2014, for a fundraising event, and be it further

Resolved, that the Director of Engineering be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Fogle and adopted. Ayes 6.

040214.11A

By Alderman Kibler:

Whereas, the City has received a donation for the G.R.E.A.T. Program of \$25,000 from the “Moore for Kids” Foundation for the period of March 20, 2014 to May 31, 2015 and

Whereas, these funds were not included in the 2014 budget, and

Whereas, the appropriations necessary to add the donation to the 2014 budget, now therefore be it

Resolved, that the following budget amendment needs to be made:

INCREASE REVENUES:

001-0001-1589-3449	G.R.E.A.T. Program	\$25,000
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INCREASE APPROPRIATIONS:

001-3120-4375.3449	G.R.E.A.T. Expenses	\$10,000
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001-3120-0101-3449	Overtime/G.R.E.A.T.	\$15,000
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Seconded by Alderman Genewick and adopted. Ayes 6.

040214.11B

By Alderman Franco:

Resolved, that a public hearing be held at the Common Council Meeting of April 23, 2014 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Gina Nowak, for approval for a Fitness Training Center to be located in the Kenan Center, 165 Beattie Avenue, situated in a R-A Zone, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Schrader and adopted. Ayes 6.

By Alderman Fogle:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Schrader and adopted. Ayes 6.

040214.11C

By Alderman Kibler:

WHEREAS, Ulrich Development owns real property commonly referred to as 144-150 Main Street, Lockport, NY described in a certain deed recorded in the Niagara County Clerk's Office ("NCCO") in Liber 2663 of Deeds at page 307 ("144-150 Main"); and

WHEREAS, 144-150 Main was conveyed from Lockport Urban Renewal Agency to Bewley Leasing, Inc., a prior owner of 144-150 Main, by deed recorded in the NCCO on January 31, 1976 by deed recorded in Liber 1566 of Deeds at page 830 (the "144-150 Main Deed"); and

WHEREAS, the 144-150 Main Deed contains various restrictions, terms, conditions, covenants, promises and rights of reversion and reverting of title to the Grantor in such deed (all of the foregoing being called the "City 144-150 Main Rights"); and

WHEREAS, Elm/Locust owns property commonly referred to as 80 Elm Street, Lockport, NY described in a certain deed recorded in the NCCO in Liber 3347 of Deeds at page 424 ("80 Elm"); and

WHEREAS, 80 Elm was conveyed from the City of Lockport to Ulrich City Centre, LLC a prior owner of 80 Elm, by deed recorded in the Niagara County Clerk's Office on July 8, 2005 in Liber 3323 of Deeds at page 552 (the "80 Elm Deed"); and

WHEREAS, 80 Elm was previously conveyed from Lockport Urban Renewal Agency to the City of Lockport by deed recorded in the Niagara County Clerk's Office on April 2, 1975 in Liber 1568 of Deeds at page 290 (the "City Elm Deed"); and

WHEREAS, the 80 Elm Deed and the City Elm Deed contain various restrictions, terms, conditions, covenants, promises and rights of reversion and reverting of title to the Grantor in such deeds (all of the foregoing being called the "City 80 Elm Rights"); and

WHEREAS, the 80 Elm Deed contains a temporary easement and right of access to the City for certain public improvements (the "Temporary Easement") which Temporary Easement is no longer needed; and

WHEREAS, a certain Revised Urban Renewal Plan was recorded in the Niagara County Clerk's Office on September 16, 1964 in Liber 1429 of Deeds at page 812 and another Revised Urban Renewal Plan was recorded in the Niagara County Clerk's Office on January 18, 1974 in Liber 1553 of Deeds at page 384 (the foregoing being called the "Urban Renewal

Plans”) which Urban Renewal Plans contained various restrictions, terms, conditions, covenants and promises (the “Urban Renewal Plan Rights”); and

WHEREAS, the City of Lockport passed a certain Resolution dated November 18, 2004 recorded on July 8, 2005 in the Niagara County Clerk’s Office in Liber 3323 of Deeds at page 548 (the “Resolution”) which Resolution contains various restrictions, terms, conditions, covenants, promises and rights of reversion and revesting (the “City Resolution Rights”); and

WHEREAS, the improvements on 144-150 Main and 80 Elm have been completed pursuant to the Urban Renewal Plans, the Resolution, the 144-150 Main Deed, the City Elm Deed and the 80 Elm Deed; and

WHEREAS, Ulrich Development and Elm/Locust are the owners of 144-150 Main and 80 Elm respectively and have requested this Certificate of Completion, Release and Termination for themselves and their successors, assigns and subsequent owners and users of 144-150 Main and 80 Elm.

NOW THEREFORE BE IT

RESOLVED, that the Mayor be and is hereby authorized to execute subject to Corporation Counsel approval a Certification of Completion, Release and Termination as follows:

1. The improvements on 144-150 Main and 80 Elm referred to in the Urban Renewal Plans, the 144-150 Main Deed, the City Elm Deed, the 80 Elm Deed and the Resolution have been completed to the City’s satisfaction and this document shall be deemed to be the certification of such completion as referred to in those documents.
2. The Urban Renewal Plan Rights, the City 144-150 Main Rights, the City 80 Elm Rights and the City Resolution Rights are all hereby terminated and released.
3. The Temporary Easement in the 80 Elm Deed is hereby terminated.

Seconded by Alderman Genewick and adopted. Ayes 6.

040214.11D

By Alderman Kibler:

Whereas, the City of Lockport is desirous to audit dependent eligibility for participants on the City of Lockport healthcare plan, and

Whereas, the City Clerk has obtained written quotes and Bonadio & Co., LLP was the lowest responsible quote, now therefore be it

Resolved that the Mayor subject to Corporation Counsel is hereby authorized and directed to enter into contract with Bonadio & Co., LLP at a cost not to exceed \$8,505 to be charged to account # 001-9000-0804.

Seconded by Alderman Franco and adopted. Ayes 6.

Rich 4/2/14 11:54 AM
Deleted: ,

040214.11E

By Alderman Genewick:

Whereas, the City desires to assist the accounting staff on specific targeted time sensitive projects as recommended by the Bonadio Group, and

Whereas, it will be more economical to do so at this time with the assistance of an experienced consultant than to increase City staff, and

Whereas, an experienced government accounting professional consultant with expertise in fund accounting and strengths in general ledger, financial statements, cash management, budgeting, internal controls, financial analysis and both internal and external reporting is available on a limited basis for 2014 and 2015, and

Whereas, the Consultant currently holds a B.S., in Business Administration with an Accounting concentration. Core qualifications include ten years experience in managing financial transactions for County government as Chief Account. Experienced in government budget development, allocation and monitoring. Consultant has thorough knowledge of Fund accounting and the New York State System of Accounts. Consultant is skilled in developing working relationships within the organization to accomplish objectives, now therefore be it

Resolved, that the Mayor subject to Corporation Counsel be and the same is hereby authorized and directed to enter into a contract with MES Consulting for services at a cost of \$40,000 for a specified period of time in 2014 and 2015 and to modify the 2014 budget as follows:

Decrease #001.1900.1990	\$30,000.
Increase #001.1325.4428	\$30,000.

Seconded by Alderman Kibler and adopted. Ayes 6.

040214.11F

By Alderman Lombardi:

Whereas, Life Scout – Troop 6 of Lockport, New York has requested permission to clean, week, paint and plant flowers at the American Legion Memorial at the corner of Summit Street and Transit Road, and

Whereas, the American Legion B Leo Dolan Post has agreed to cover the cost of planting materials and related materials, now therefore be it

Resolved, that the Troop 6 Eagle Scout project be and is hereby granted permission to clean, week, paint and plant flowers at the American Legion Memorial.

Seconded by Alderman Schrader and adopted. Ayes 6.

040214.12**ADJOURNMENT**

At 6:16 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., April 23, 2014.

Seconded by Alderman Fogle and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk